

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In re:

Case No. 20-70072-reg

JEFFREY ZYSBERG,

Chapter 13

Debtor.

-----X

**AFFIRMATION IN OPPOSITION TO THE
TRUSTEE'S MOTION TO DISMISS**

PETER K. KAMRAN, an attorney duly admitted to practice before this Court affirms the following under the penalty of perjury:

1. That I am of counsel to the law firm of Lester & Associates, P.C., counsel to the debtor, Jeffrey Zysberg (the “**Debtor**”) and therefore I am fully familiar with the facts and circumstances surrounding this case.

2. I submit this Affirmation in opposition to the motion (the “**Motion**”)[dkt item 21] filed by Chapter 13 Trustee Michael J. Macco (the “**Trustee**”) for an Order dismissing the Debtor’s Chapter 13 bankruptcy case (the “**Bankruptcy Case**”) pursuant to 11 U.S.C. §§521 and 1307(c).

3. In his Motion the Trustee asserts the following as cause for dismissal of the Debtor’s Bankruptcy Case:

(i) “As of the date of this motion, the debtor(s) has failed to submit any monthly pre-confirmation payments to the Trustee.” Motion at ¶2.

(ii) “Furthermore, as of this date the debtor has failed to provide the Trustee with all filings required under Section 521; and all mandatory disclosure documentation as set forth in Local Bankruptcy Rule 2003-1.” Motion at ¶3.

4. With respect item (i) above, the Debtor will sending all outstanding monthly pre-confirmation payments to the Trustee on February 28, 2020, by overnight delivery service to

ensure that the Trustee has received said payments before the hearing on the Motion on March 5, 2020.

5. Additionally, the Debtor will be bringing proof of said payments and of the mailing of said payments to the hearing on the Motion on March 5, 2020.

6. With respect to item (ii) above, the Debtor's affidavit of income with copies of checks was filed February 24, 2020 [dkt item 24] and was subsequently uploaded to the Trustee's site on February 27, 2020. The Affidavit of Contribution with proof of income payments was uploaded to the Trustee's site on February 24, 2020.

7. No other Rule 2003.1 disclosures are applicable in this case.

8. Moreover, on February 20, 2020, the Debtor filed all schedules required under 11 U.S.C. § 521, and February 24, 2020, the Trustee examined the Debtor at his section 341 meeting and the Trustee has since closed the Debtor's section 341 meeting.

WHEREFORE, it is respectfully requested that the Trustee's Motion be denied in its entirety.

Dated: February 27, 2020
Garden City, New York

LESTER & ASSOCIATES, P.C.

/s/ Peter K. Kamran

By: Peter K. Kamran, Esq.
Counsel to the Debtor
600 Old Country Road, Suite 229
Garden City, New York 11530
(516) 357-9191
pkamran@rlesterlaw.com

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X

IN RE:

Case No: 8-20-70072-reg

JEFFREY ZYSBERG,

Chapter 13

Debtor.

-----X

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

) SS.:

COUNTY OF NASSAU)

I, KRISTA COLALILLO, being duly sworn, depose and say:

1. That I am not a party to the action, and I am over eighteen years of age and reside in Oceanside, New York.

2. That on the 27th day of February, 2020, I served a copy of a AFFIRMATION IN OPPOSITION TO TRUSTEE'S MOTION TO DISMISS by depositing a true copy thereof in an official depository of the United States Postal Service contained in a securely closed post-paid envelope directed to the following person by First Class Mail at the address designated below which is the last known address of the addressee and enclosed in- an envelope containing name and return address of the party effecting service to:

US Trustee's Office
560 Federal Plaza, Room 563
Central Islip, NY 11722

Michael J. Macco, Trustee
2950 Express Drive South, Suite 109
Islandia, NY 11749

s/ Krista Colalillo

KRISTA COLALILLO

Sworn to before me this
27th day of February, 2020

s/ Roy J. Lester

Notary Public